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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,001	08/15/2000	Toshiyuki Toyofuku	97049/7D/Lh	1630

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EXAMINER

AGGARWAL, YOGESH K

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/639,001	Applicant(s) TOYOFUKU ET AL.	
	Examiner Yogesh K. Aggarwal	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12,13,15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12,13,15 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/16/2005 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oie et al. (US Patent # 5,130,813).

[Claim 12]

Oie et al. teaches an electronic image pickup apparatus (figure 1, element 11), comprising a housing which houses finder unit (14), an electronic image pickup unit (figure 4, element 48) and a display device (31), and which is provided with a display device operating member (30) being used to operate the display device (31), on an outer surface thereof, wherein an eyepiece window of the finder unit (14), located on a rear surface area (figure 1 shows the rear surface area), in which a display screen of display device is exposed in the outer surface of the housing (See figure 1), the eyepiece window (14) is also located on a left side and above display screen (31) of

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the display device on the rear surface area. The Examiner notes that in order to operate the shutter button 17 and the display operating member 30 the end portion of the housing which is located in a right side of the display screen on the outer surface of the housing is configured to be held by the right hand of a user and the display device operating member (30) located on the right side the display screen (31) of display device on the rear surface area such that the display device operating member is operable by the thumb of the right hand of the user that holds the right end portion of the housing (See figure 1, it is clear that if the user holds the camera 11 in the right hand the thumb can be used to operate the display operating members 30).

Oie et al. does not explicitly teach in this embodiment that the display device 30 can be used as an image display device. However Oie teaches in another embodiment (figures 9 and 10) that the display device 102 is used for viewing photographed images (col. 13 lines 1-6) in order for the user to view the images on the display device.

Therefore taking the combined teachings of first and second embodiment of Oie, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have used display device 30 as an image display device in order for the user to view the live images clearly without fatigue and update the images on the display device before taking a still image.

[Claim 13]

Oie teaches that the eyepiece window of the finder unit (figure 1, element 14) is located in a vicinity of an upper end of the surface area, and the image display device operating member (figure 3, element 33 is part of the operating member element 30) also located vicinity the upper

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end of the rear surface area (See figure 3, element 33 is located in a vicinity of an upper end of the rear surface area).

4. Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oie et al. (US Patent # 5,130,813) in view of Yamaguchi et al. (US Patent # 6,020,982).

[Claim 15]

Oie et al. fails to teach a flash unit which is housed the housing and which emits light, and wherein the housing further comprises an electronic flash window which allows light emitted from the electronic flash to be projected toward the object, and the electronic flash window arranged at an upper portion front surface area in the outer surface of the housing.

However Yamaguchi teaches an electronic flash (figure 2, element 102) which is housed the housing (figure 2, element 100), and which emits light, and wherein the housing further comprises an electronic flash window which allows light emitted from the electronic flash to be projected toward the object, and the electronic flash window arranged at an upper portion front surface area in the outer surface of the housing (See figure 2 col. 10 lines 3-4).

Therefore taking the combined teachings of Oie and Yamaguchi, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have a flash unit which is housed the housing and which emits light, and wherein the housing further comprises an electronic flash window which allows light emitted from the electronic flash to be projected toward the object, and the electronic flash window arranged at an upper portion front surface area in the outer surface of the housing in order to have proper lightning in case the ambient light is not sufficient.

[Claim 17]

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Oie fails to teach a signal terminal which is used to output an image signal generated by the electronic image pickup unit and which is arranged a side end area of another end portion of the housing located in a left side of the image display screen on the outer surface of the housing.

However Yamaguchi teaches a signal terminal (figure 14, element 123) which is used to output an image signal generated by the electronic image pickup unit and which is arranged a side end area of another end portion of the housing located in a left side of the image display screen on the outer surface of the housing (col. 12 line 60-col. 13 line 10).

Therefore taking the combined teachings of Oie and Yamaguchi, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have an image signal generated by the electronic image pickup unit and which is arranged a side end area of another end portion of the housing located in a left side of the image display screen on the outer surface of the housing in order to communicate with external devices like computers with ease.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA

June 3, 2005



DAVID L. OMETZ
PRIMARY EXAMINER